

The Textual Mediation of Denial: Congress, Abu Ghraib, and the Construction of an Isolated Incident

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The rhetorical techniques by which governments deny, justify, and qualify alleged instances of torture have been well documented. Sociologists, however, have neglected the social contexts in which officials confront allegations of torture, as well as officials' use of evidence to strengthen their own or weaken competing claims about torture. Relying on findings from a qualitative content analysis of seven Senate Armed Services Committee hearings held in 2004 on "detainee abuse" at Abu Ghraib prison, this article examines the processes by which hearing participants portrayed the violence there as an isolated incident. Building on James A. Holstein and Jaber F. Gubrium's (2003) "constructionist analytics," I examine the textual mediation of claims-making in the hearings, focusing on the interplay between textual realities of detainee abuse and the interpretive uses to which hearing participants put these realities. I show that developments in the textual environment of the hearings, particularly the development of a textually mediated vantage on events that "really occurred" throughout Afghanistan and Iraq, provided hearing participants with rich interpretive materials to downplay and rationalize instances of abuse that occurred in places other than Abu Ghraib prison. These findings suggest that official denial is sustained by diverse claims-making activities, including the production of a textual reality of human rights violations. The findings also extend the purview of social problems theory to account for the role of texts in the construction of social problems. Keywords: human rights; torture; denial; texts; Abu Ghraib.

On April 28, 2004, CBS broadcast photographs showing American soldiers "abusing" detainees held at Abu Ghraib prison in Iraq.¹ The release of the photographs, subsequent revelations of American violence at Abu Ghraib prison (see, in particular, Hersh 2004), and sustained media attention to the "Abu Ghraib scandal" (Brown 2007; Ricchiardi 2004) provoked a political crisis (cf Alexander 1988) for the Bush administration in the months preceding the 2004 American Presidential election. After the release of the photographs, polling conducted by ABC News/*Washington Post* found public approval of George W. Bush's performance as president below 50 percent for the first time.² *The New York Times*, *Boston Globe*, and

1. CBS's report used the word abuse, rather than torture, in the title of the *Sixty Minutes II* program. While the Bush administration and the mainstream media similarly used the term "abuse" to describe the depicted violence (Bennett, Lawrence, and Livingston 2006), the label was highly contested (Danner 2004; Peters 2004; Sontag 2004). Because participants in the Senate Armed Services Committee's hearings preferred this term, I follow them in my use of it. This decision, however, should not be understood as an endorsement of the term "abuse" over "torture."

2. Earlier polling by Gallup and NBC News/*Wall Street Journal* found public approval of President Bush below 50 percent; however, only after CBS's story on Abu Ghraib did either poll find fewer than 50 percent of Americans approving of the President in consecutive polls. This was not the case for polling conducted by Fox News/Opinion Dynamics and Pew Research Center; both polls found public approval for President Bush to be under 50 percent for several months preceding CBS's report on Abu Ghraib. As of January 17, 2011, an archive of these polls is available at PollingReport.com (2011).

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The Economist called for Secretary of Defense Donald Rumsfeld's resignation (Brown 2007), a topic broached with Rumsfeld by members of the Senate Armed Services Committee during a May 7 hearing on the scandal. And yet, by October 2004, the Abu Ghraib scandal had lost much of its political resonance. During the three Presidential debates, torture was mentioned once—by President Bush and in reference to the human rights violations of Saddam Hussein (Commission on Presidential Debates 2009). The broader issues of detainee abuse and U.S. detention and interrogation policies were similarly overlooked.

The resolution or "containment" (Schneider 1985) of the Abu Ghraib scandal involved, in part, the successful portrayal of the violence at the prison as an isolated incident, unrepresentative of American detention and interrogation practices under the Bush administration. This portrayal of the violence, alongside the so-called "few bad apples" account of it, downplayed the responsibility of high-ranking military and civilian officials for the abuse and minimized the political harm suffered by the Bush administration. These claims about the violence at Abu Ghraib prison, which the Bush administration forwarded soon after the release of the photographs and which military and Department of Defense investigations subsequently supported, are well documented (Danner 2004; Hooks and Mosher 2005). They also resonate with social scientific studies of official denial of torture (Cohen 2001; Rejali 2007). Still, the social processes that enabled the portrayal of Abu Ghraib as an isolated incident remain under-examined. Indeed, commentary on political responses to Abu Ghraib frequently takes-for-granted the constructive work by which American officials portrayed the violence at the prison as an isolated incident. Similarly, the literature on official denial (Cohen 2001) and accounts (Scott and Lyman 1968) emphasizes the rhetorical forms that denial takes and largely neglects the contextually situated activities by which public officials construct and contain torture as a social problem. The treatment of official denial as rhetoric also obscures officials' employment of raw materials (Nichols 1997), such as evidence, to sustain or contest claims about torture. These oversights are particularly consequential for the study of claims-making about torture, as human rights monitors have long noted the difficulty that they have producing and, then, establishing the credibility of evidence of a state's use of the practice (Amnesty International 1975).

To address these limitations in sociological research of denial, I ground this study of official claims-making about detainee abuse at Abu Ghraib prison in the constructionist approach to social problems (Spector and Kitsuse 1987) and, specifically, James A. Holstein and Jaber F. Gubrium's (2003) "constructionist analytics." The constructionist analytics perspective permits the analysis of claims-making activities in their cultural and institutional contexts. By approaching context as the cultural and institutional resources that claims-makers employ to construct claims, the approach is particularly well suited to address the limitations in research of denial. Drawing on the social theory of Bruno Latour (1987, 2005) and Dorothy E. Smith (1990a, 1990b, 2001), I further develop constructionist analytics by articulating an approach sensitive to the "textual mediation" (Holstein and Gubrium 2000:204) of claims-making. Then, through a qualitative content analysis of seven Senate Armed Services Committee (SASC) hearings held in 2004, I document the emergence of a knot of claims about American violence against detainees: that widespread detainee abuse occurred throughout Iraq and Afghanistan, and that the photographed abuse at Abu Ghraib prison was an isolated incident, unrepresentative of abuse that occurred elsewhere. In so doing, I examine the interplay between the textual environment in which the hearings occurred and participants' claims about the geographic extent of detainee abuse. I show how changes in this environment, particularly in the availability of increasingly detailed and "small-scale" (Montello 2001:13502) representations of detention operations, mediated hearing participants' access to a "reality" of detainee abuse throughout the United States' conflicts in Afghanistan and Iraq. I further show that, at the conclusion of the SASC's hearings, the interpretive resources circulating in the textual environment of the hearings provided officials with rich materials for the rationalization of abuse beyond Abu Ghraib prison and the portrayal of the politically toxic abuse there as an isolated incident. I conclude by relating these findings to sociological research of denial and social problems constructionism.

Official Denial and the Moralization of Torture

In the eighteenth century in Europe, torture moved from a “specifically legal vocabulary [. . .] into a general vocabulary of moral invective” (Peters 1985:150). In the former, torture possessed a specific and value-neutral meaning: “the use of physical coercion by officers of the state in order to gather evidence for judicial proceedings” (Langbein 1977:3). The moral vocabulary of torture, which emerged out of Enlightenment critiques of the practice (see, for instance, Beccaria 1986 and Voltaire 2007), lacked such specificity, as well as the legal vocabulary’s neutrality. In it, torture became indistinguishable from “the moral evils of the *ancien régime*” and was “condemned because it was incompatible with a new idea of human dignity” (Peters 1985:149; emphasis in original).

The moral vocabulary profoundly impacted modern understandings of torture and, specifically, its decline as a legitimate judicial practice in Europe in the eighteenth and nineteenth centuries. Indeed, nineteenth-century studies of European penal practices often described torture in the vocabulary’s terms. Historians Henry C. Lea (1866) and W. E. H. Lecky (1955), for instance, both associated the prohibition of torture with modern man’s moral progression. Contemporary studies of torture, particularly those of Randall Collins (1974), John Langbein (1977), and Michel Foucault (1977), have revealed this “humanitarian-progressive model” (Peters 1985:77) to be a facade constructed over structural, legal, and disciplinary changes that drove torture’s decline in Europe in the eighteenth and nineteenth centuries. There is, however, reason to believe that the moral vocabulary influences, albeit ambiguously, state behavior. The humanist principles of the vocabulary are inscribed in international declarations and treaties that prohibit torture, such as the United Nations’ *Universal Declaration of Human Rights* (UN General Assembly 1948) and its *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (UN General Assembly 1984). Nongovernmental and official auditors of state behavior have organized around such documents; these auditors attempt to influence state behavior by documenting, exposing, and demanding accountability for torture (Rejali 2007). Given global monitoring, the grounding of a state’s international legitimacy in its appearance of compliance with human rights norms (Cohen 2001; Shor 2008), and the moral stigma now attached to torture (Peters 2004), many nations that torture, and most democracies that torture, now attempt to do so covertly (Rejali 2007).

The Rhetoric of Denial

The institutionalization of the moral vocabulary has had a second effect: when allegations of torture become public, governments, and particularly liberal democracies, tend to employ a “rhetoric of denial” (Asad 1997:290) to minimize the harmful effects of allegations. Stanley Cohen (2001) finds that official responses to allegations of human rights violations, including torture, involve three types of denial: literal, interpretive, and implicatory. Cohen’s research also suggests that governments often find it difficult to sustain denial. Despite this, full acknowledgement of human rights violations is rare; when pressed beyond the rhetoric of denial, officials will engage in qualified or “partial acknowledgement” (Cohen 2001:113).

Literal Denial. Literal denial is the “laconic disavowal that ‘nothing happened’” (Cohen 2001:104). This form of denial often involves efforts to discredit allegations by criticizing the “reliability, objectivity and credibility of the observer” (Cohen 2001:105; see also Forrest, Knight, and Tidball-Binz 1996). Literal denial may also involve “magic denial,” the argument that “the violation is prohibited by the government, so it could not have occurred” (Cohen 2001:105). Perhaps, though, the most consequential form of literal denial is inscribed into acts of state violence. Disappearances (Cohen 2001; Gordon 2008) and clean torture techniques that leave few physical marks (Rejali 2007) produce little evidence that violence occurred and are more difficult for monitors to document and prove.

Interpretive Denial. Given international monitoring of torture, literal denial is difficult for most states to maintain (Cohen 2001; Rejali 2007). Interpretive denial is the rhetorical strategy by which officials “admit the raw facts [. . .] but deny the interpretive framework placed on these events” (Cohen 2001:105–06). What a critic calls torture an official may describe as a legitimate state practice, such as “intensive interrogations” (Cohen 2001:107), “coercive methods” (Lazreg 2008:114), or “an alternative set of procedures” (Danner 2009). Interpretive denial also involves disputes over the legal category that an alleged incident of violence satisfies: “abuse,” “ill treatment,” or “torture” (Cohen 2001:108). As with literal denial, the flexibility needed for interpretive denial may be inscribed into torture practices; an “alibi”—that the alleged incident was not torture but a legitimate investigation—is built into torture by the torturer’s use of investigative tools, such as flash lights, or practices, such as strip searches, to inflict pain on victims (Athey 2007:136; see also Rejali 2007).

Implicatory Denial. Implicatory denial refers to various strategies to justify or downplay alleged incidents of torture. Officials may challenge the legitimacy of human rights norms (Risse 1999), argue that violence is necessary for defense of the state, blame victims, or contrast the violations of their own state with violations of enemy states (Cohen 2001:109–12). Officials may also justify torture by alluding to instances when it proved effective (Conroy 2000; Rejali 2007). As a variant of the claim of necessity, the hypothetical “ticking-bomb” scenario, in which an interrogator confronts an enemy known to have knowledge of an impending attack, has become one of the leading images used to justify torture (Luban 2005; Waldron 2005).

Partial Acknowledgement. Given domestic and international pressure (Risse 1999; Shor 2008) and/or the emergence of persuasive evidence that human rights violations have occurred (Cohen 2001), governments may be unable to continue denying allegations. Yet, full acknowledgement is rare, as states tend to qualify wrongdoing with “three devices”: “spatial isolation,” “temporal containment,” and “self-correction” (Cohen 2001:113–14). Spatial isolation refers to the claim that an alleged incident is an “isolated incident” (p. 113), unrepresentative of state practices. Temporal containment locates the alleged incident in the political past. Finally, self-correction involves the argument that the criticized state is effectively addressing its violations.

From Official Account-Making to Claims-Making

Cohen’s research draws attention to the understudied role of accounts in human rights work (Cardenas 2007). Cohen’s focus is also consistent with sociological research on account-making. This literature emphasizes a general feature of accounts to which Cohen’s research points: accounts are correctives, used to bridge the gap between a socially celebrated ideal and a deviant or unexpected event (Benoit 1995; Orbuch 1997; Scott and Lyman 1968; Sykes and Matza 1957). Indeed, contemporary human rights work often involves efforts to shame nations accused of human rights violations (Shor 2008). Such efforts mobilize the association of torture with illiberal cruelty to disrupt individual, institutional, and national presentations (cf Goffman 1959) as norm-conforming, liberal, and modern. By denying or only partially acknowledging allegations of abuse, public officials engage in repair work that, like the “official discourse” employed in response to other forms of misconduct (Burton and Carlen 1979), aims at “verbally bridging the gap between action and expectation” (Scott and Lyman 1968:46; see also Payne 2008). If successful, repair work may restore the credibility of the offending government by downplaying or rationalizing harm and by representing the alleged incident as emerging out of unsanctioned or exceptional practices. Repair work may also involve rhetorical efforts to associate some political actors, such as low-ranking officials or soldiers, with torture, while cordoning off others from its polluting, symbolic effects (cf Alexander 1988).

Official statements about human rights violations are interesting for a second reason, one neglected in Cohen's research. Such statements are part of more general processes through which groups construct human rights violations as social problems. The constructionist approach to social problems emerged out of an earlier subjectivist turn in the sociology of deviance (Ibarra 2008) and the early theorizing of Herbert Blumer (1971) and Malcolm Spector and John I. Kitsuse (Kitsuse and Spector 1973; Spector and Kitsuse 1973). The perspective holds that social problems are not objective conditions in the world, but claims-making activities: "*the activities of individuals or groups making assertions or grievances and claims with respect to some putative condition*" (Spector and Kitsuse 1987:75; emphasis in original). Official accounts of torture are one type of social problems claim—assertions about the nature, causes, and consequences of alleged human rights violations.

Social problems constructionism provides a rich analytic vocabulary for understanding social problems. The approach recognizes that claims-making occurs in and is mediated by material and social contexts (Best 1993; Holstein and Gubrium 2003; Pfohl 2008; Weinberg 2009). To understand how officials sustain claims about state violence, what interpretive or "raw" (Nichols 1997:324) materials constitute claims, and why certain claims succeed, it is necessary to analyze official claims within their social and historical contexts. Such an approach to official claims about human rights violations is appropriate for another, "practical-moral" (Seidman 1991:135) reason. Human rights monitors have long acknowledged the problematic status of evidence of torture (Amnesty International 1975) and recent scholarship emphasizes the difficulties that political communities have in "reading" (Rejali 2007:31) and communicating the suffering of tortured bodies (Scarry 1985). Sociological studies that systematically analyze political claims about state violence and, in particular, the resources that sustain claims can contribute to the broader project of developing a public "literacy" (Rejali 2007:31) of torture.

Constructionist Analytics and the Textual Mediation of Claims-Making

Social problems constructionists have developed several approaches to the study of claims-making in its context; the approach has, since Spector and Kitsuse made their definitive contribution to the approach, developed into strict constructionist (Ibarra and Kitsuse 1993), deconstructionist (Pfohl 1985, 1993), contextual constructionist (Best 1993), and constructionist analytic (Holstein and Gubrium 2003) perspectives. Of these, the latter two share the dual concern of this article: claims-making activities within their social and historical context.³ Constructionist analytics, however, differs from contextual constructionism in its analytic stance toward both. Typically, constructionist research of social problems privileges the analysis of overarching trends in "large-scale" public rhetoric" (Holstein and Miller 1993:152). The activities to which constructionist analytics attends, however, are the micro-level, interactional, and interpretive processes—what Holstein and Gale Miller (1993) call social problems work—"implicated in the recognition, identification, interpretation, and definition of conditions that are called 'social problems'" (p. 154).

Constructionist analytics is further distinguished from contextual constructionism by its treatment of context. In developing constructionist analytics, Holstein and Gubrium (2003) define context as the "cultural or institutional meanings [that] are formulated, then imported to, and used in the construction of social problems" (p. 193). The approach recognizes context as resources that circulate amongst sites of social problems work, rather than a social force behind or above claims-makers. By defining context in this way, the approach permits the

3. Strict constructionist studies of social problems emphasize the rhetorical forms that claims take and exclude analysis of the historical and social context of claims-making (Ibarra and Kitsuse 1993). While deconstructionist sociologists have made important contributions to the study of state violence (Gordon 2008; Pfohl 1992), the perspective's primary concerns—the reflexive practices of sociological writing and the social processes of exclusion and haunting—are beyond the scope of this article.

analyst to avoid contextual determinism. Against the contextual constructionist tendency to portray context as acting on people, Holstein and Gubrium (2003) and Cynthia J. Bogard (2003) urge constructionists to examine the *interplay*—the “reflexive and recursive” (Bogard 2003:215) relationship—between context and the claims-makers who encounter and modify it. Constructionists, then, must consider the intertwined trajectory of claims and context in their investigations of social problems.

This article focuses on one specific aspect of claims-making and context: the appearance and use, at sites of claims-making, of “reality” as a resource for social problems work. This focus serves the empirical and analytical interests of this study well. Empirically, I find that participants in the Senate Armed Services Committee hearings confronted a constructed reality of “detainee abuse” to which they oriented their social problems work and that they (“reflexively and recursively”) attempted to modify. I find, moreover, that “reality,” as a contextual resource for claims-making, was “imported” into the Committee’s hearing; it was gathered up beyond the performative stage of the hearings and transported to them. And, finally, one important way that “reality” appeared at the Senate Armed Services Committee’s hearings was inscribed in texts.

Analytically, these observations suggest a new line of inquiry for constructionist analytics: the textual mediation of claims-making. Observations about the textual mediation of social life are found in the work of a number of social theorists, including Paul Ricoeur (1973), Anthony Giddens (1987), Bruno Latour (1987, 2005, 2010), Dorothy Smith (1990a, 1990b, 2001), and Holstein and Gubrium (2000). Such studies converge on a core observation about texts: social activity, once inscribed in texts, becomes both mobile and stable. According to Smith (1990b), texts, in their materiality, possess the “capacity to transcend the essentially transitory character of social processes and to remain uniform across separate and diverse social settings” (p. 211). Giddens (1987) refers to this capacity as the “autonomy of the text” (p. 45); Latour captures it in the concept of “immutable mobiles” (Latour 1987:227, 2005:223). In the terms of constructionist analytics, texts stabilize the cultural and institutional resources that constitute context and are one vehicle by which context may circulate amongst sites of social problems work.

Specifically, texts allow for places, people, and events to be “scaled down” (Latour 1987:231; emphasis in original) and have a “real and immediate *virtual* presence” (Lynch and Bogen 1996:114; emphasis in original) at distant sites. Put differently, texts provide objectified constructions of “lived actuality” that claims-makers may scrutinize or “read through” to “what is” or “what actually happened” (Smith 1990a:75). In this way, “textual reality” (Smith 1990a:71) may undergird the “grounds statements” (Best 1990:25) that claims-makers use to establish the nature of an event or problem. Like social activity in general, claims-making occurs within a dynamic textual environment that mediates people’s access to “what is.” Claims-makers may selectively draw on the virtual realities carried by texts, such as written accounts (Latour 2010; Smith 1990a), charts (Orcutt and Turner 1993), and visual images (Campbell and Reeves 1989), to ground their own or weaken competitors’ claims about a social problem. An awareness of how diverse texts mediate claims-makers’ access to the “reality” of social problems is particularly consequential for the study of interpersonal and state violence. Photographs and video recordings, which viewers tend to treat as objective depictions of reality, have a well-documented, but contested role in the production of claims about violence (Butler 2009; Sontag 1977, 2003; Taylor 1998; Zveržhanovski 2007). Furthermore, social problems work that produces documentation of violence often depends on the capacity of medical professionals to transform physical injuries, the outer marks of which tend to heal and which may only become visible once imaged by an “instrument of vision” (Haraway 1992:193; see also Rejali 2007), such as x-rays (Pfohl 1977), into a more durable form.⁴

It is necessary, then, for social problems constructionists to examine the interplay between the textual realities and the interpretive work to which claims-makers put these realities. At the same time, claims-making activities cannot be reduced to the pressure of contextual

4. I am grateful to Mitch Berbrier for drawing my attention to the materiality of social problems claims.

forces, be they textual or sociohistorical. Texts cannot “speak for themselves”; they must be read and interpreted. And, while a material text may be “a constant point of reference against which any particular interpretation can be checked” (Smith 2001:175), it is only through social activity that the meaning of a text *becomes* a fixed point of reference to check interpretations of claims. This quality of texts is dependent on the efforts of actors to “activate” (Smith 2001:176) a text, mobilizing its representation of reality and bringing it to bear on particular claims. In settings where the construction of social problems occurs, we might also expect that claims-makers compete to be treated as the legitimate “spokesperson” (Latour 1987:78; see also Callon 1986) for texts. To be treated as such means to be treated as an objective representative of textual reality; to paraphrase Latour (1987), “the spokesperson is seen not only as an individual but as the mouthpiece of” (p. 78) the text, a window onto “what is.” These negotiations may also be cast at the level of the text, involving debates about the objectiveness or the transparency of a text itself. Such debates may become particularly consequential when a text’s authenticity is contested (Maretea 2008) or when the representativeness of the evidence inscribed in a text is questioned. Such debates may also occur when texts provide incongruent vantages on reality, producing what Melvin Pollner (1987) refers to as reality disjunctures that challenge everyday understandings of objective reality. Indeed, on such occasions, claims-makers are likely to preserve “mundane reality”—a single, objective reality (Pollner 1987)—beneath discordant textual realities by accounting for the divergences between texts.

The Emergence of the “Detainee Abuse” Problem

In this article, I examine the interplay between the textual environment and social problems work within seven Senate Armed Services Committee (SASC) hearings held after the release of photographs taken at Abu Ghraib prison. Before presenting my analysis of these hearings, I find it helpful to orient readers to the historical and political moment out of which the SASC’s hearings emerged. To do so, I must treat as facts statements about “what really occurred” at Abu Ghraib prison. Some of these statements, such as those about the military’s handling of the International Committee of the Red Cross’s (ICRC) investigation, were matters of concern during the hearings. Others are drawn from investigations and reports that were not publicly available when the Committee’s hearings began. I present this section not as the reality, textual or otherwise, that the Committee confronted at the start of their hearings, but as a retrospective and partial *reconstruction* of the events that led to the public release of photographs taken at Abu Ghraib prison.

On March 19, 2003, President George W. Bush ordered missile strikes against “selected targets of military importance” in Baghdad (Bush as quoted in Sanger and Burns 2003). A ground invasion of Iraq followed and, on April 9, 2003, American soldiers entered eastern Baghdad, “ordinary Iraqis took to the streets in their [sic] thousands” (Burns 2003), and Saddam Hussein’s rule over Iraq effectively ended. On May 1, 2003, President Bush declared an end to “major combat operations in Iraq” (Bush as quoted in CNN.com 2003); however, over the summer and fall of 2003, an “active and growing insurgency” emerged (Schlesinger 2004:11) and the United States began a period of combat in Iraq that continued until August 2010.⁵

By June of 2003, the United States began holding detainees at Abu Ghraib prison, located approximately 20 miles west of Baghdad (Jones and Fay 2004). Most of the photographed incidents of violence at the prison occurred between October and December of 2003 (Taguba 2004). At the beginning of this period, the ICRC conducted two unannounced visits to Abu Ghraib prison

5. In August of 2010, the last of U.S. “combat troops” left Iraq; however, as of writing, approximately 50,000 U.S. “noncombat” troops remain in Iraq (Baker 2010). The change in policy also did not affect the size and role of American Special Operation forces (Myers 2010). It is unclear then, whether this development signals a meaningful end to U.S. combat in Iraq, as President Barack Obama (2010) described it, or a “semantic sleight of hand” (Myers 2010).

and documented the use of sleep deprivation, forced nudity, shackling, sensory bombardment, and stress positions there (ICRC 2004; Jones and Fay 2004). The ICRC shared these allegations with the military chain of command in November 2003. The military's only response to the ICRC was a December 24, 2003 letter, signed by Brigadier General Janis Karpinski, commander of U.S. detention facilities in Iraq, that "gloss[ed] over, close to the point of denying the inhumane treatment, humiliation, and abuse identified by the ICRC" (Jones and Fay 2004:67).

It was not until mid-January 2004 that the U.S. military opened investigations into the treatment of detainees at Abu Ghraib prison. Specialist Joseph Darby prompted this development when he, on January 13, turned in two compact discs of photographs to a military criminal investigator (Danner 2004; Gourevitch and Morris 2008). On January 16, Central Command in Iraq publicly announced an investigation into allegations of detainee abuse. The press release, however, made no reference to Abu Ghraib prison or the existence of the photographs, stating that the "release of specific information concerning the incidents could hinder the investigation" (reproduced in Johnson 2004). During a March 20, 2004 press briefing, Brigadier General Mark Kimmitt announced that, "As a result of the criminal investigation, six military personnel have been charged with criminal offenses to include conspiracy, dereliction of duty, cruelty and maltreatment, assault, and indecent acts with another" (Coalition Provisional Authority 2004). The photographs that instigated the investigation appear to have languished at relatively low levels in the chain of command during this time (Schlesinger 2004); however, by mid-April, CBS had acquired and prepared to air a selection of them. At the behest of the Department of Defense and Chairman of the Joint Chiefs of Staff, General Richard B. Myers, CBS delayed the program by about two weeks, finally airing it on April 28 (Leung 2004). The report on detainee "abuse" included a now iconic photograph of the "Hooded Man," a hooded detainee standing on a box with wires attached to his body. Other photographs showed the corpse of an Iraqi, Manadel al-Jamadi, a soldier (Lynn die England) giving a thumbs-up and pointing at the exposed genitals of naked male detainees, and naked male detainees in various arrangements, including a human pyramid. Members of Congress and President George W. Bush claim to have been unaware of the impending release of the photographs and members of Congress, the president, Secretary Rumsfeld, and Myers all claim to have first viewed the photographs upon their release on CBS.

Data and Analytic Strategy

Data for this study comes from the published record of seven congressional hearings held by the Senate Armed Services Committee of the 108th Congress between May 7, 2004 and September 9, 2004.⁶ Held in the aftermath of CBS's report about detainee abuse at Abu Ghraib, these hearings focused on detention and interrogation practices used by American soldiers in Afghanistan and Iraq and on the "mistreatment" and "abuse" of detainees by American soldiers.

While Congressional claims-making occurs in many public arenas (Hilgartner and Bosk 1988), there are several reasons why studying political claims-making in hearings is appropriate. Hearings "must be arranged well in advance, and [. . .] usually represent a substantial commitment of effort" (Baumgartner and Jones 1993:90) and congressional investment in an issue. Committee hearings are also one of Congress's primary venues through which it investigates and draws attention to public problems and governmental misconduct (Palmer 2009; Sachs 2004). Through their control of the "discursive stage" (Naples 1997:913) of hearings, senators and representatives also influence the terms of public debate about problems.

6. The Committee held these seven hearings on five days: May 7, 11, 19, July 22, and September 9, 2004. Two hearings took place on both May 11 and September 9. On both days, the first hearing began before noon and the second hearing after; I indicate these in the text by "(a.m.)" and "(p.m.)."

Finally, congressional hearings result in the production of a public record to which *future* claims-making may orient (Boynton 1991).

There are also several reasons why this particular series of SASC hearings is well suited to the study of official claims. First, the SASC's jurisdiction includes the Department of Defense, the executive department most deeply implicated in the events at Abu Ghraib prison. The Committee's hearings also involved several high-profile claims-makers. At the time, Republican Senator John Warner of Virginia chaired the Committee and Senator Carl Levin, a Michigan Democrat, served as the ranking member. Since the November 2006 mid-term elections, when the Democratic Party won control of the House and Senate, Levin has served as chair of the Committee. Under his chairmanship, the Committee produced a major investigation of detention and interrogation policies and practices during the Bush administration, *Inquiry into the Treatment of Detainees in U.S. Custody*.⁷ At the time of these hearings, the Committee included other influential senators, including Republicans Saxby Chambliss (then-chair of the Senate Select Committee on Intelligence), Lindsay Graham, and John McCain and Democrats Robert Byrd, Hillary Clinton, Edward Kennedy, and Joseph Lieberman. Since 2004, Senators McCain, Graham, and Lieberman have influenced legislation related to American detention and interrogation policies.⁸ Over the course of these hearings, the SASC also received testimony from influential claims-makers, including civilian officials in the Department of Defense, such as Secretary of Defense Donald Rumsfeld, high-ranking military officials, and civilian and military investigators of U.S. detention and interrogation operations.

Analytic Strategy

In this article, I present an analysis of statements made and testimony given during the SASC's seven hearings. I focus on hearing participants' claims about the geographic extent of detainee abuse and participants' grounding of these claims in a textual reality. Researchers engaged in similar studies have preferred a qualitative approach to content analysis that focuses less on the frequency of claims than on the processes by which claims-makers construct claims. A qualitative approach to content analysis allows for analysis of text "much like an ethnographer's technique for analyzing his or her field notes" (Jerolmack 2008:76; see also Chang and Mehan 2008). I employed a comparable approach to analyze the data. Coding, which I conducted in NVivo, was an inductive and iterative process (Altheide 1987). I applied codes within a unit of analysis consisting of single hearings. Within units, I applied codes to smaller meaning units, "the constellation of words or statements that relate to the same central meaning" (Graneheim and Lundman 2004:106). Meanings units were of variable length; however, they generally took the form of a single paragraph in an uninterrupted statement or exchanges between witnesses and a senator on a single, specific topic. During an initial round of loose coding, I categorized meaning units into general topics. This article, which is part of an on-going study of the U.S. Congress and torture, focuses on statements regarding the geographic extent of detainee abuse. As such, during a second round of coding, I re-coded and organized meaning units within this theme and four major claims about the geographic extent of abuse emerged: that abuse was limited to Abu Ghraib, that abuse had occurred throughout Iraq, that abuse had occurred in Iraq and Afghanistan, and that abuse was not limited to Abu Ghraib but the incidents there were unlike those elsewhere. During this round of coding, I also

7. A redacted version of the *Inquiry into the Treatment of Detainees in U.S. Custody* was released on April 22, 2009. As of January 17, 2011, the report is available for download at <http://armed-services.senate.gov/pubs.htm>.

8. In 2005, Senator John McCain introduced an amendment (the "McCain Amendment") to the 2006 Defense Appropriations Bill; the amendment prohibited the use of "cruel, inhuman or degrading treatment" against detainees in U.S. custody and limited military interrogators to the interrogation techniques described in the *Army Field Manual*, a guide to human intelligence collection (Schmitt 2005). In 2009, Senators Graham and Lieberman sponsored an amendment to a Homeland Security appropriations bill that allows the White House to suppress photographs of detainees taken after September 11, 2001 (see U.S. Congress 2009b).

categorized meaning units by the identities and political affiliations of claims-makers and the source of evidence that claims-makers used to support their claims.

The Construction of an Isolated Incident

On May 7, 2004, the Senate Armed Services Committee held the first of its seven hearings on American detention and interrogation practices during the wars in Afghanistan and Iraq. In this section, I trace the processes by which hearing participants established and interpreted the geographic extent of detainee abuse during the wars in Afghanistan and Iraq. I present this process in three parts that loosely correspond to the chronology of the hearings. I begin by describing the lack of consensus, during the May 7 hearing, about the geographic extent of abuse. I then examine the emergence and strengthening of the claim that abuse had occurred throughout Iraq; this claim, which hearing participants suggested on May 7, was undisputed by May 19. Finally, I show the simultaneous processes on May 19, July 22, and September 9 by which hearing participants rationalized “widespread abuse,” gave it quantitative form, and isolated the abuse at Abu Ghraib from abuse that occurred elsewhere.

“Things that did, in fact, happen”: Undeniable Abuse of Uncertain Extent

Roland Barthes (1981) famously asserted, “in Photography I can never deny *that the thing has been there*” (p. 76; emphasis in original). During the May 7 hearing, Secretary Rumsfeld implicitly acknowledged this consequence of the public release of photographs taken at Abu Ghraib prison when he stated:

we have taken a beating in the world for things we were not doing that were alleged to be done. Now we’re taking a beating, understandably, for things that did, in fact, happen (May 7, 2004 in U.S. Congress 2005:19).

The photographs from Abu Ghraib stabilized incidents of interpersonal violence that, otherwise, might have disappeared into their own, local enactment. The “indexical nature” (Taylor 1998:52) of the photographs permitted American citizens, and, in fact, a global community of viewers to “see what [was] going on” (Smith 1990a:55) in particular places and at particular moments in America’s war in Iraq. By treating the photographs as authentic, objective inscriptions of that violence, hearing participants could look through the images and scrutinize the “underlying reality” (Taylor 2005:42) of events at Abu Ghraib prison.⁹

This quality of the photographs made them potent materials for claims-making. Several Democrats described, in detail, particular photographs to characterize the political problems facing the Committee and the Bush administration. Senator Carl Levin, for instance, described a photograph showing:

three naked prisoners in a lump on the floor being overseen by a number of soldiers, while other soldiers in the cell block were assisting or were going about their business without any apparent interest in or concern about the obvious abusive treatment (May 7, 2004 in U.S. Congress 2005:18).

This, Levin suggested, was persuasive proof that the photographed violence at Abu Ghraib was an “organized and conscious process to extract information” (May 7, 2004 in U.S. Congress 2005:18). During the same hearing, Senators Edward Kennedy and Jack Reed, both Democrats, took a different approach, describing particular photographs as symbols that would come to

9. The realism of photography is itself a social construction (Becker 1995; Taylor 2005). It is, however, beyond the scope of this paper to turn the tools of visual studies back on the photographs taken at Abu Ghraib prison (but see Andén-Papadopoulos 2008; Apel 2005; Butler 2009; Sontag 2004).

represent America to global communities, particularly those in the Middle East. Kennedy's statement is illustrative.

To the people in the Middle East [. . .] the symbol of America is not the Statue of Liberty, it's the prisoner standing on a box wearing a dark cape and a dark hood on his head with wires attached to his body, afraid that he's going to be electrocuted (May 7, 2004 in U.S. Congress 2005:24).

Senator Susan Collins, a Republican, likewise worried that global viewers' would mistake "the real America," which "to a degree unprecedented in human history, has sacrificed its blood and treasure to secure liberty and human rights around the world" (May 7, 2004 in U.S. Congress 2005:42), with what the photographs showed. Indeed, during the May 7 hearing, there was broad and bipartisan consensus that the publication of photographs taken at Abu Ghraib would harm U.S. domestic and global interests.¹⁰

Despite the potency of the photographs for claims-making, they also suffered from a significant limitation: the visual reality inscribed in them was limited to events that occurred in Abu Ghraib prison. The photographs, in other words, are relatively "large-scale" (Montello 2001:13502) depictions of U.S. detention operations.¹¹ As interpretive resources, the photographs did not provide grounds to answer a question that Democrat Senator Robert Byrd posed to Secretary Rumsfeld on May 7, "How do we know that there isn't a broader problem here" (May 7, 2004 in U.S. Congress 2005:42).

To respond to this question, participants in the hearing referred to other texts that offered relatively small-scale representations of reality; such texts gave *more* of American detention and interrogation operations a virtual presence in the SASC's hearings. By reading through these texts, hearing participants took up a vantage point from which they could ground claims about "things that did, in fact, happen" *throughout* Iraq and Afghanistan. Attempts on May 7 to establish the geographic extent of detainee abuse are illustrative of this. Two witnesses, General Richard Myers and General Lance Smith, Deputy Commander of the United States Central Command, introduced a finding from the *Taguba Report* (Taguba 2004) as grounds for their claims that abuse was not widespread. Myers's statement is illustrative.

The *Taguba Report*, if you recall, looked at four installations where the 800th MP Brigade had operations. They found abuse in only one, and that's Abu Ghraib (May 7, 2004 in U.S. Congress 2005:36).

As a resource for establishing the geographic extent of detainee abuse, the *Taguba Report* represents an upgrade from the photographs from Abu Ghraib, as its textual reality represented four, rather than a single, U.S. detention facility. Smith and Myers's references to the report were, however, insufficient to foreclose counter-claims on May 7 and the Generals' statements reside precariously next to claims that abuse occurred more widely. By shifting to alternative, textually mediated vantages on detention operations, Senators Byrd and Kennedy forwarded claims that abuse occurred in locations beyond Abu Ghraib prison. Byrd noted that "reports," including those of the ICRC, suggested that detainee abuse had occurred in "more than just the Abu Ghraib prison" (May 7, 2004 in U.S. Congress 2005:32). Senator Kennedy offered a more specific statement, citing the military's criminal investigations to support his claim that abuse had occurred in Afghanistan and Iraq.

10. Nine of the hearings' 29 participants—three Democrat senators, four Republican senators, and two witnesses—lamented that the photographs had dishonored the U.S. military. Five—two Democrat senators and three Republican senators—observed that U.S. soldiers would face increased dangers abroad because of the release of the photographs. Four—one Democrat senator and three Republican senators—expressed worry that the photographs would undermine the United States, war in Iraq. Eight—four Democrat senators, two Republican senators, and two witnesses—noted that the release of the photographs undermined the reputation of the United States.

11. The cartographic scale of a map is the ratio between "the amount of distance on the map" and "a particular distance on the earth's surface"; thus, when a map "shows a relatively small area of the earth," it is a relatively "large-scale map" (Montello 2001:13502).

35 criminal investigations into alleged mistreatment of detainees in Iraq and Afghanistan, 25 of these investigations involving deaths. [. . .] In particular, in December 2002, military doctors at the Bagram Air Base in Afghanistan ruled that two Afghan men in U.S. custody died from blunt-force injuries (May 7, 2004 in U.S. Congress 2005:24).

In pressing their claims about the geographic extent of abuse, Kennedy, Byrd, Myer, and Smith drew on diverse texts that carried divergent textual realities of detainee abuse. None of the hearing participants were able to foreclose debate on the issue by referencing the conclusions of a particular text; none, in other words, were able to resolve whether or not detainee abuse was widespread in Iraq and Afghanistan. During the hearing, however, the existence of this reality disjunctive did not trigger attempts to resolve it, largely because major investigations remained open and hearing participants understood that the textual reality of detainee abuse was still developing.

***"Far broader [. . .] than one set of incidents photographed at one prison":
The Reality of Widespread Abuse***

On May 7, SASC hearing participants drew on disparate texts to produce contradictory claims about the geographic extent of detainee abuse. As the hearings advanced, however, the Committee and its witnesses confronted an evolving textual environment. Specifically, several major investigations and reports, which provided scaled-down representations of detention operations in Iraq and, eventually, Afghanistan, became available. This development in the textual environment—and social problems work that secured a reality of “widespread abuse” in these texts—made it increasingly difficult for hearing participants to produce persuasive claims that abuse was limited to Abu Ghraib prison.

On May 7, the day of the Committee’s first hearing on abuse, *The Wall Street Journal* published selections from a previously classified February 2004 report of the ICRC; the full report was posted on the publication’s Web site on May 10 (Zarocostas 2004). The ICRC’s investigation spanned the first nine months of America’s war in Iraq and included evidence gathered during 29 visits to 14 American prisons in the country. Significantly, the report documented that “ill-treatment during capture was frequent” and that:

persons deprived of their liberty under supervision of the Military Intelligence were at high risk of being subjected to a variety of harsh treatments ranging from insults, threats and humiliations to both physical and psychological coercion, which in some cases was tantamount to torture, in order to force cooperation with their interrogators (ICRC 2004).

The public release of this text had a profound impact on claims-making during the SASC’s subsequent hearings. Claims-makers cited the text to ground their claims in detention and interrogation operations across the United States’ military operations in Iraq. Indeed, during the Committee’s hearing on May 11 (a.m.), Democrat Senators Kennedy and Mark Dayton did just this. Kennedy’s statement concerning the report illustrates this development.

[T]he ICRC collected allegations of ill treatment following the capture that took place in Baghdad, Basra, Ramadi, and Tikrit [. . .] It isn’t only focused on this one prison camp, but lists the others, as well. I think we have to be aware of that (May 11, 2004 [a.m.] in U.S. Congress 2005:294).

Paralleling this development was a second one. From May 11 on, hearing participants who spoke of detainee abuse as *limited* to Abu Ghraib consistently qualified their claims. Unlike Generals Myers and Smith, who earlier suggested that abuse had only occurred at Abu Ghraib, hearing participants began differentiating between abuse at Abu Ghraib and abuse that occurred elsewhere. During the May 11 (a.m.) hearing, General Antonio Taguba twice made claims of this sort. Taguba testified to Senators Clinton and Ben Nelson, both Democrats, that his investigation had not found evidence of abuse similar to that which occurred at Abu Ghraib.

Taguba: There were—you might consider abuse, but that was in terms of slapping a prisoner, and there were—

Ben Nelson: Not similar type abuses as we have here.

General Taguba: Not to the gravity that was exposed, no, sir (May 11, 2004 [a.m.] in U.S. Congress 2005:352).

During the May 11 (p.m.) hearing, Republican Senator James Inhofe and a witness, General Keith Alexander, Deputy Commander of the U.S. Air Force, reached a similar conclusion, with Alexander observing that abuses “of this sort” and Inhofe observing that “alleged abuses like those in the prison” at Abu Ghraib were not widespread (May 11, 2004 [p.m.] in U.S. Congress 2005:512–13).

The influence of the ICRC report on claims-making may be observed in the emergence of the claim that abuse occurred throughout Iraq and in the qualifications built into claims that abuse of the kind photographed was unique to Abu Ghraib. Not all participants in the SASC’s hearings, however, presented the ICRC report as providing indisputable proof of serious and widespread instances of abuse in Iraq. During the Committee’s May 11 (p.m.) hearing, Alexander attempted to accommodate the ICRC report in his claims in a way that altered the prevailing meaning of the report. Specifically, Alexander suggested that the serious abuses documented in the ICRC report were those photographed at Abu Ghraib prison; he implied, in other words, that the ICRC report provided a vantage on abuse at Abu Ghraib prison and not on serious incidents of widespread abuse elsewhere. This treatment was a direct effort to make the meaning of the ICRC report consistent with the claim that serious incidents of detainee abuse were not widespread.

Alexander first made this argument when asked by Senator McCain about contradictory accounts of abuse. McCain cited the fact that Taguba had testified, earlier on the 11th, “that these abuses were somewhat confined to a relatively small area” (May 11, 2004 [p.m.] in U.S. Congress 2005:400). After General Alexander agreed that Taguba’s report found that “abuses of this nature” were not widespread, McCain continued by pointing out that the Committee was aware that “the ICRC issued a long series—a number of reports concerning prisoner abuses” (May 11, 2004 [p.m.] in U.S. Congress 2005:401). McCain concluded, “Something doesn’t connect there” (May 11, 2004 [p.m.] in U.S. Congress 2005:401). Alexander responded to McCain’s questions by defining the textual reality of the ICRC report as identical to that of the photographs.

[W]hen I looked at that, and you look at the allegations, and you look at the pictures, you immediately make the connection that what the ICRC had and what the pictures said are the event (May 11, 2004 [p.m.] in U.S. Congress 2005:401).

Later in the hearing, Senator Dayton returned to the issue, questioning Alexander’s statements about the ICRC report.

Dayton: General Alexander [. . .] are you asserting that the *Taguba Report*, the ICRC Report, and the pictures of the prisoner abuses that we saw last week all refer to the same limited number of events that were carried out by a few MPs, with a couple of unidentified low-level MI officials perhaps interacting with them to lead them to those actions?

Alexander: Sir, I’d note that in the ICRC Report it says that one of the detainees had women’s underwear on their head. I, you, the American public saw that photo on TV. That led me to make that statement that those same things that they noted in their report we see in a photograph. So, yes, sir, that is why I made that (May 11, 2004 [p.m.] in U.S. Congress 2005:504–5).

In his exchanges with McCain and Dayton, Alexander attempted to make the textually mediated vantage of the ICRC report identical to the vantage provided by the photographs taken at Abu Ghraib. This effort aimed at resolving a reality disjuncture between accounts that portrayed detainee abuse as largely isolated to Abu Ghraib prison and those that emphasized that detainee abuse had occurred throughout Iraq; it did so in a way that also contained

the problem of detainee abuse to Abu Ghraib prison. By suggesting that the ICRC report and the photographs documented a single incident—"the event" at Abu Ghraib prison—Alexander attempted to alter the meaning of the ICRC report as an available resource for claims-making and to erode its evidentiary value for the claim that serious incidents of abuse werewidespread.

Significantly, Alexander's attempt at defining the textually mediated vantage of the ICRC report involved texts (the photographs and the ICRC report) that did not have an assigned spokesperson. Unlike General Taguba's investigation, which Taguba himself spoke for during the May 11 (a.m.) hearing, neither the photographers from Abu Ghraib, nor the ICRC's investigators participated in the SASC's hearings. Instead, participants in the hearing introduced these documents, mobilizing them to support their own claims or to counter others' claims; participants also competed to speak on behalf of these texts (Callon 1986; Latour 1987).¹² Indeed, in Alexander's exchanges with McCain and Dayton, the three officials negotiated what, precisely, the ICRC report documented. For their part, both McCain and Dayton met Alexander's statements with considerable resistance. McCain responded by introducing his interpretation that the ICRC report revealed widespread incidents of abuse: "The ICRC alleged, as I understand it, that these situations were widespread, and not confined to just one small area" (May 11, 2004 [p.m.] in U.S. Congress 2005:401). Later in the hearing, Dayton engaged in a lengthy exchange with Alexander.

Dayton: [T]he report, as I read it, refers to other abuses that occurred in that prison to other prisoners that didn't fit the descriptions in those pictures. But I guess I just wanted to clarify, for my own understanding, what you're implying here, because, as I read the ICRC Report, it refers to 14 other—or a total of 14 detention centers or prisons, and I don't know how to quantify the extent of the violations that they are alleging, but it certainly appears to be far broader and more systemic than one set of incidents photographed at one prison. Would you concur with that sir, or do you—

Alexander: Yes, sir, I think—in the ICRC Report, there was one portion on Abu Ghraib—

Dayton: Right.

Alexander: —which is what I was referencing (May 11, 2004 [p.m.] in U.S. Congress 2005:505).

At stake in Dayton's exchange with Alexander was the ICRC report's textual reality and the interpretive work to which claims-makers could put it. If Alexander accurately portrayed the ICRC report—if, in other words, other hearing participants privileged his effort to speak on behalf of the report—then the ICRC report would no longer provide grounds for the claim that abuse was widespread through Iraq. If, however, Dayton accurately portrayed the report, then its prevailing meaning would hold. The exchange, then, is compelling evidence that the meaning of textual realities emerged through the social problems work by which hearing participants fixed texts as "constant points[s] of reference" (Smith 2001:175). Indeed, the influence of the ICRC report depended on claims-makers' mobilizations and negotiation of its meaning.¹³ Specifically, in this exchange, Dayton mobilized the fact that the ICRC visited "a total of 14 detention centers or prisons" to lead General Alexander away from his claim that "what the ICRC had and what the pictures said are the event" and towards a qualified one: that a particular set of photographs might correspond to a particular *portion* of the ICRC report.

"A very brutal and bloody event": Rationalizing Widespread Abuse

Alexander, having admitted that his claim was only applicable to "one portion" of the ICRC report, failed to fold the reality documented in the ICRC report into the reality depicted in the photographs from Abu Ghraib. Meanwhile, during the Committee's hearings on May 19

12. I am grateful to an anonymous reviewer for bringing this to my attention.

13. I am grateful to an anonymous reviewer for emphasizing this in his/her reviews.

and July 22, Senators Levin, Kennedy, and Byrd continued to press that the ICRC report provided evidence of widespread abuse throughout Iraq. For instance, in his opening statement on May 19, Levin observed:

The February 2004 report of the ICRC presents an overview of documented abuses that extend beyond the conduct of interrogations at one cell block in one detention facility [. . .] The abuses that are alleged apparently are not limited to detention facilities. Many of the alleged violations are reported to have occurred at the time of arrest (May 19, 2004 in U.S. Congress 2005:565).

The release of photographs taken at Abu Ghraib prison made literal denial of abuse there unfeasible; the introduction of the ICRC report into the textual environment of the hearings did something similar: it provided evidence persuasive enough to establish that abuse had occurred throughout Iraq.

The report, however, did not force consensus on the nature of abuse. During the May 19 hearing, an exchange between Senator Byrd and General John Abizaid, Commander of the United States' Central Command, illustrates this fact.

Byrd: General Abizaid, the ICRC has alleged a pattern of abuse at detention centers in Iraq. With all due respect, how can you explain the culture of abuse that was allowed to develop in a prison system under your ultimate command?

Abizaid: I do not believe that a culture of abuse existed in my command [. . .] I believe that we have isolated incidents that have taken place. I am aware that the ICRC has its view on things. A lot of its view is based upon what happens at the point of detention where soldiers fighting for their lives detain people, which is a very brutal and bloody event (May 19, 2004 in U.S. Congress 2005:588).

In his response, Abizaid allowed that the ICRC might have observed events throughout Iraq *that the organization would call abuse*; he did not challenge that those events occurred. Rather, he suggested that the deduction from those events that a culture of abuse existed was wrong. He suggested, first, that the ICRC evaluates reality through a particular "view on things" that the military does not share. Abizaid then offered an alternative portrayal of the violence as "what happens at the point of detention" and added an implicit rationalization, a variation of the claim of necessity: "where soldiers [who are] are fighting for their lives detain people, which is a very brutal and bloody event."

As with Alexander's attempt to reinterpret the ICRC report, Abizaid's attempt to make the ICRC report consistent with the claim that serious incidents of abuse were confined to Abu Ghraib prison. Like Alexander's effort, Abizaid's also exploited the fact that the ICRC report did not have, within the Committee's hearings, a privileged spokesperson. There was, in other words, no authority to adjudicate between Byrd's presentation of the report and Abizaid's. Alexander and Abizaid's efforts, however, differed in important ways. Abizaid, unlike Alexander, did not attempt to deny that the ICRC report provided a vantage on American-Iraqi interactions throughout Iraq. Instead, he implicitly acknowledged their findings and highlighted that many of the incidents of abuse documented by the ICRC occurred during the arrest of detainees. Abizaid, however, reinterpreted what the report documented through a different "method of observing the world" (Pollner 1987:61). By introducing the claim of necessity, he also set favorable conditions for the minimization of abuse beyond Abu Ghraib prison.

Over the course of the final three hearings, developments in the textual environment provided a mediated vantage on a reality consistent with Abizaid's claims. On July 22, General Paul Mikolashek, Inspector General of the Army, offered testimony regarding the conclusions of his office's investigation into detention operations throughout the wars in Afghanistan and Iraq.

We determined that nearly half the cases [of confirmed or possible abuse], 45 out of the 94, took place at the point of capture [. . .] The point of capture is the place on the battlefield that is the most uncertain, dangerous, and violent (July 22, 2004 in U.S. Congress 2005:687).

On September 9 (p.m.), James Schlesinger and Harold Brown, both former secretaries of defense—Schlesinger under Presidents Nixon and Ford and Brown under President Carter—testified before the committee on the findings of the *Schlesinger Report* (Schlesinger 2004; formally, the *Final Report of the Independent Panel to Review DOD Operations*). Their report, as Senator Warner described it, was largely consistent with General Mikolashek's figures.

Over the past 3 years, the U.S. has apprehended over 50,000 personnel in Iraq and Afghanistan. As of mid-August 2004, only 66 out of the 50,000 gave rise to allegations of abuse that had been substantiated with one-third to one-half of those incidents occurring at the point of capture or during transit, periods which are often in the very heat of battle and extraordinary stress (September 9, 2004 [p.m.] in U.S. Congress 2005:1309).

The *Mikolashek Report* (U.S. Department of Army 2004) and the *Schlesinger Report* provided hearing participants a textually mediated vantage on detention operations in Afghanistan and Iraq; they map, in other words, a terrain that is geographically more extensive than that of the ICRC report. They also provided hearing participants with a new resource for claims-making: quantitative representations of abuse. Because of these developments, the reports provided compelling raw materials for various forms of denial and partial acknowledgement. I have already pointed out one: the rationalization of abuse at the point of capture, as first articulated by Abizaid. This rationalization was built into the statements of Mikolashek and Warner that I reproduced above. During the July 22 hearing, Republican Senator Jeff Sessions and two witnesses—Les Brownlee, acting secretary of the army, and General Peter J. Schoomaker, chief of staff of the army—also made this claim. During the September 9 (a.m.) hearing, Warner referenced abuse at the point of capture in this way; during the afternoon hearing that day, Republican Senators Session and Talent, as well as the Committee's two witnesses, Schlesinger and Brown, offered similar statements. "The point of capture," as typified (Best 1995) by these hearing participants, is the location at which abuse is understandable, if not predictable. As Senator Talent put it on September 9 (p.m.):

People going too far in an effort to get information in an insecure environment where their friends are being shot at and they are desperate to find out what is going on, while inexcusable in one sense, in another sense is at least understandable (September 9, 2004 [p.m.] in U.S. Congress 2005:1350).

The availability of a textual reality for events *outside* Abu Ghraib also allowed hearing participants to contextualize events *inside* the prison. For instance, in his opening statement during the September 9 (p.m.) hearing, Schlesinger acknowledged that "abuses were indeed more widespread than observed on the night shift at Abu Ghraib"; however, he described the abuse at Abu Ghraib "as having its unique aspects" and noted that he "characterized those activities by the night shift on Tier 1 as an 'Animal House'" (September 9, 2004 [p.m.] in U.S. Congress 2005:1315). Having characterized the events at Abu Ghraib as unlike the abuse that occurred elsewhere in Iraq and Afghanistan, Schlesinger then pointed out how partial the vantage provided by the photographs was and implied the importance of having a geographically extensive vantage on reality.

In this connection, President Kennedy said during the Cuban Missile Crisis that a picture is worth a thousand words. It clearly is if, and only if, one knows what the picture means. But if pictures are misinterpreted, they can readily become a distorting mechanism. That can easily create an inaccurate impression, hiding, indeed distorting the overall performance, as I have suggested with regard to our Armed Forces in Iraq (September 9, 2004 [p.m.] in U.S. Congress 2005:1315).

Schlesinger's panel member, Harold Brown, picked up on this claim, testifying that the photographed incidents displayed "a pathology not, so far as we were able to find, duplicated elsewhere" (September 9, 2004 [p.m.] in U.S. Congress 2005:1317). Later in the hearing, Senator Talent observed that he "would have been surprised if the kind of stuff I saw in those pictures was at all widespread because that was just sick" (September 9, 2004 [p.m.] in U.S. Congress

2005:1350). Thus, Schlesinger, Brown, and Talent erected an interpretive wall between the abuse displayed in the photographs from Abu Ghraib and the abuse that occurred elsewhere during the wars in Afghanistan and Iraq.

Finally, and as the above statement from Senator Warner suggests, the quantifications of detainee abuse enabled hearing participants to downplay the significance of those very incidents (see also Hooks and Mosher 2005). By interpreting the quantified instances of abuse within other numbers—the total numbers of detainees captured during the wars in Afghanistan and Iraq and, in one case, the total number of interrogations that occurred at Abu Ghraib—hearing participants downplayed abuse as a unique occurrence during detention operations. Mikolashek and Brownlee employed this form of denial on July 22, Republican Senators Warner and Inhofe on September 9 (a.m.), and Senators Warner, Inhofe, Lieberman, and witnesses Schlesinger and Brown on September 9 (p.m.). A statement by Senator Lieberman—a Democrat at the time—that indicated that the substantiated incidents of abuse amounted to “a fraction of 1 percent of the detainees” (September 9, 2004 [p.m.] in U.S. Congress 2005:1323) is illustrative of this claim. It is well documented that the use of statistics is endemic to the claims-making processes (Best 1990, 2008). To *build* a social problem, claims-makers prefer broad definitions of problems and “*big, official numbers*” (Best 1990:62; emphasis in original). It is not surprising, then, that to contain a potential problem (Schneider 1985) some hearing participants built their claims about detainee abuse with *relatively* small, official numbers (Potter 1996).

By disaggregating quantifications of abuse so as to produce the category “abuse at the point of capture,” official investigators provided themselves and hearing participants a rich material that could be combined with taken-for-granted beliefs about combat to downplay the mistreatment of detainees. This representation of abuse also permitted hearing participants to juxtapose the photographed violence at Abu Ghraib prison with the quantified violence throughout Iraq. And, by producing quantifications of abuse based on substantiated allegations and also quantifying the number of detainees captured by American soldiers, official investigators produced another resource for claims-making: abuse intelligible as a “fraction of 1 percent.”

Discussion and Conclusion

Over the course of the Senate Armed Services Committee hearings, the claim that widespread abuse occurred during America’s wars in Afghanistan and Iraq became undeniable. In Cohen’s (2001) terms, hearing participants no longer engaged in the *literal denial* of abuse throughout Afghanistan and Iraq. Yet, by the Committee’s final hearing, participants who spoke of the geographic extent of abuse did not engage in unqualified acknowledgements of it. During the September 9 (p.m.) hearing, four Republicans, one Democrat, and the Committee’s two witnesses downplayed all incidents of abuse by contrasting substantiated incidents with the total number of detainees captured during the wars in Afghanistan and Iraq, rationalized abuse at the point of capture, or portrayed the photographed abuse at Abu Ghraib as unrepresentative of American practices elsewhere. Those hearing participants who had aggressively pursued the claim that abuse was widespread during the wars in Afghanistan and Iraq—Democrats Byrd, Dayton, Kennedy, and Levin—raised other topics, such as the issue of ghost detainees, the Department of Defense’s pursuit of accountability for the events at Abu Ghraib, and the failure of the Department to plan for an insurgency in Iraq. They did not, moreover, present a sustained challenge to the claim that the violence at Abu Ghraib was unrepresentative of abuse elsewhere. Within the interpretive boundaries of the Senate Armed Services Committee hearings, the violence at Abu Ghraib prison had become isolated incidents amongst widespread, but understandable and politically inconsequential, incidents of abuse.

By taking a constructionist analytics (Holstein and Gubrium 2003) stance toward claims-making in the Committee’s hearings, I have shown that these developments occurred in relation to changes in the textual environment. Specifically, the publication of photographs taken

at Abu Ghraib prison foreclosed literal denial, the claim that nothing—deviant, legitimate, or otherwise—occurred at Abu Ghraib prison. Hearing participants took as their point of departure, to paraphrase Secretary Rumsfeld, that “things,” in fact, happened at Abu Ghraib. The photographs enabled hearing participants to scrutinize particular events in a particular prison. They were “large-scale” representations of reality, showing a “relatively small area” (Montello 2001:13502) of detention operations. To establish the extent of abuse, participants drew on other textual materials, such as official investigations and the ICRC report, that portray a relatively large area of detention operations. While helpful when the question is the extent of abuse, scaled-down representations of violence may, however, facilitate other forms of denial. The textual realities scrutinized during the SASC’s final hearings provided a vantage on “widespread abuse” and, by the conclusion of the hearings, participants could speak of 65 instances of abuse, one-third of which happened at the point of capture. These representations, however, did not permit hearing participants to “see what [was] going on” (Smith 1990a:55) at the point of capture.¹⁴ Instead, they permitted claims-makers to avoid talking about *particular* incidents of cruelty and hearing participants engaged in interpretive work around *types* of incidents and numerical representations.

It would be a mistake to describe the photographs taken at Abu Ghraib prison as more “objective” than official investigations; it would likewise be a mistake to endow the photographs with an affective power that written narratives of violence lack (see Butler 2009; Sontag 1977, 2003). In fact, constructionist research suggests that effective and affective claims *can* be made through narratives, such as “horror stories” (Johnson 1995). Still, the photographs from Abu Ghraib, like horror stories, offer *local* representations of interpersonal cruelty that may be less easily rationalized and more evocative than those produced by “zooming out” of sites of violence. These observations suggest that those interested in pressing human rights claims face a significant dilemma. Establishing that human rights violations are “systemic” requires claims-makers to show that violations are “habitual, widespread and deliberate in at least a considerable part of the territory of the country in question” (UN General Assembly quoted in Physicians for Human Rights 2008:98). Although this is a legal standard, participants in the Senate Armed Services Committee hearings appear to have used a similar standard to evaluate claims about the geographic extent of abuse. Claims cast at a level “above” the local, however, may obscure the lived harms of the practice and may also be dwarfed by the extent and intensity of state practices in the territory itself. It is, then, not surprising that critics of American detention and interrogation practices during the wars in Afghanistan and Iraq have tried to display the affinities between local realities that appear across geographical locations (see, for instance, Danner 2004; Physicians for Human Rights 2008).

These findings also have implications for the constructionist study of social problems. Specifically, this study has extended the purview of constructionist analytics by drawing attention to the textual mediation (Holstein and Gubrium 2000; Smith 1990a) of claims-making. I have argued that texts are vehicles that stabilize institutional resources and, particularly, constructions of reality. Claims-makers, in turn, may “activate” texts (Smith 2001:176), attempting to fix textual realities as points of reference that enable or resist claims-making. In this study, I have paid particular attention to developments in the textual environment of the SASC’s hearings, the consequences of these developments, and claims-makers’ use of textually mediated vantages to ground their claims about detainee abuse. Texts, no doubt, matter in other ways during claims-making; so too do nontextual cultural and institutional resources. Still, there is much for social problems constructionists to gain by systematically theorizing and empirically investigating the textual mediation of claims-making.

“Reality” typically appears in studies of social problems as grounds statements, the basic facts that constitute a problem, and as statistics (Best 1990). This research, however, highlights

14. In fact, portions of one official investigation, the *Fay-Jones Report*, which document U.S. soldiers’ concerns that detainees were “severely beaten” during capture, were kept classified until March 2005 (Human Rights Watch 2006).

the influence of rich textual realities on claims-making. Textual realities offer diverse vantages. Some, I have argued, are almost exclusively local vantages. The Abu Ghraib photographs, for instance, provided a window onto acts that occurred at particular places at particular times. The *Mikolashuk* and *Schlesinger* reports, on the other hand, “zoomed out” of the local realities of detainee abuse, providing a geographically extensive vantage on incidents of abuse represented in statistically standardized forms. The forms that the textual realities of detainee abuse took during the Committee’s hearings influenced the interpretive uses to which claims-makers put them. Approaching the “objective” reality of social problems in this way permits the analyst to uncover the multiple dimensions of “reality” that figure in the construction of social problems.

These findings also suggest that the “ownership” (Gusfield 1989) of social problems involves the ownership of the human and material resources, as well as access to the geographic sites, necessary to produce the textual realities that mediate claims-making (Latour 1987, 2005; Loveman 2005; Scott 1999; Smith 1990a). During the SASC’s hearings, the textual reality of detainee abuse belonged, primarily, to the Department of Defense and the U.S. military, the organizations that established and conducted the investigations on which the SASC received testimony. No doubt, the photographs and the ICRC report provided claims-makers with textual realities in competition with those of these institutions. The Department of Defense’s and the military’s official investigators, however, largely “out constructed” their competitors, making a textual reality available to Committee members that was more extensive than those provided by the photographers at Abu Ghraib or the ICRC. By providing the “objective reality” of detainee abuse that participants in the SASC’s hearings confronted, interpretively deployed, and reflexively modified, the Department of Defense and the U.S. military exerted a contextual pressure on claims-making during the hearings. Just as importantly, at the time of these hearings, members of the Senate Armed Services Committee were themselves relatively impoverished claims-makers; they were, in other words, dependent on the textual realities of others, including the very organizations whose actions Committee members scrutinized. The situation reflects, in part, dominant political relations at the time of the hearing. With the American executive and legislative branches both controlled by Republicans, the Senate Armed Services Committee’s hearings served as a venue for the amplification of the Department of Defense’s and the military’s findings, rather than as a venue for independent investigation (Danner 2004). It is, then, unsurprising that Democrats who most aggressively pursued the claim that abuse occurred widely throughout the war in Iraq, turned their attention, at the conclusion of the hearings, to issues that the investigations had not yet addressed.¹⁵

Finally, these observations suggest the possibility of aligning social problems research with relational approaches to the study of social reality (Crossley 2011; Emirbayer 1997). Specifically, the works of Smith (1990a, 1990b) and Latour (1987, 2005, 2010) imply that texts are “hook-ups” (Smith 2001:175) that permit the transmission of institutional resources across social space. As I have in this study, social problems constructionists might treat sites of social problems work as nodes within a textual environment, examining how claims-makers mobilize texts from that environment and, then, interpretively deploy them. Social problems constructionists may also become mobile, following the trails cut by texts, the various sites connected by such trails, and the constructive, social problems work at each site. Such an approach would extend the constructionist conception of social problems to include the networks of sites of social problems work that, through the production, circulation, and interpretive deployment of texts, simultaneously generate the context of claims-making and claims themselves.

15. In 2009, the Senate Armed Services Committee published its *Inquiry into the Treatment of Detainees in U.S. Custody* (U.S. Congress 2009a), the culmination of hearings and its own independent investigation into the treatment of detainees. The Committee, then, may now be described as “owning” the “detainee abuse problem” in a way that it did not in 2004.

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